

The Thirteenth Judicial Circuit Court Annual Report 2002

Trial by jury:



Your right and your obligation.

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INTRODUCTION

The Thirteenth Judicial Circuit Court serves Antrim, Grand Traverse and Leelanau Counties. The Circuit Court is a trial court of general jurisdiction that hears civil cases involving damages or loss of \$25,000 or more, matters in equity including such things as requests for injunctive relief, domestic relations matters, appellate review of lower courts and tribunals, and criminal felony cases. There are two Circuit Court Judges who “ride the circuit” and preside over matters in all three counties.

The Family Division of the Circuit Court was established in 1998 and has jurisdiction over juvenile criminal cases, child abuse and neglect, guardianships of juveniles, and adoption proceedings, as well as domestic relations matters. The Probate Judge for each county is the Presiding Judge of the Family Division within his county of election. The Chief Judge of the Circuit is responsible for the supervision of all aspects of the Court.

While some citizens come in contact with the Court because of a specific civil or criminal case, for many their first and only encounter with the Court is precipitated by a jury summons. While the right to trial by jury was brought from England to this country by the colonists and it has become a part of the birthright of every free citizen, it is still a very misunderstood and unappreciated element of our judicial system. Citizens who are summoned for jury service often view it as an inconvenience - something to be avoided. Yet, those same citizens demand a trial by jury when their rights are at stake.

In order to help those who may be apprehensive about receiving a jury summons or who may simply not understand the importance of jury service, this edition of the Court’s Annual Report will focus on your right to a trial by jury and your corollary obligation to serve.

JUDGES OF THE THIRTEENTH JUDICIAL CIRCUIT COURT

Circuit Court Judges Philip E. Rodgers, Jr. and Thomas G. Power serve their constituents as Circuit Court Judges in all three counties and preside over all Grand Traverse County cases encompassed within the jurisdiction of the Family Division that do not involve minor children. Judicial assignments are made by a random, alternating case selection process.

HON. PHILIP E. RODGERS, JR.

Judge Rodgers was first elected to the bench in 1990, and was re-elected without opposition in 1996



and 2002. Judge Rodgers served as Chief Judge from 1992 through 1997 and from 2002 to the present. Prior to assuming the bench, the Judge was a partner and trial attorney with Menmuir, Zimmerman, Rollert and Kuhn.

Judge Rodgers graduated in 1978 from the University of Michigan Law School. He had previously obtained his undergraduate degree from the University. He also received a Masters of Public Policy Degree from the University in 1977. As a college student, the

Judge was a Rotary International Graduate Fellow and spent a year in England studying public finance economics. Later, the Judge joined the Traverse City Rotary Club and served for six years on the Board of Directors of Rotary Charities.

Judge Rodgers has served his community through participation on the City Commission for four years, and was Mayor of the City of Traverse City in 1989. The Judge continues to be a trustee of the National Cherry Festival and is an active member of the Michigan Judge's Association, serving on both its legislative and executive committees. He is currently the organization's treasurer.

The Judge is married and has four children.

HON. THOMAS G. POWER

Judge Power is a native of Traverse City. He was elected to the bench in 1992. He began serving his second term on the bench January 1, 1999, after running for re-election without opposition. Judge Power served as Chief Judge of the Circuit Court from 1998 through 2001.

Prior to his election, Judge Power served in the Michigan State Legislature for ten years. Among his committee assignments was the House Judiciary Committee. Judge Power practiced law in Traverse City with the law firm of Elhart and Power. Judge Power graduated from the University of Michigan Law School in 1974, having first obtained his undergraduate degree from Carleton



College in Northfield, Minnesota. Judge Power later obtained a Masters Degree in taxation from New York University in 1978. He is a 1968 graduate of Traverse City High School.

Judge Power is a member of the Traverse City Rotary Club and the United States Coast Guard Air Auxillary, and is a past member of the Traverse City School Board and the Grand Traverse/Leelanau Mental Health Board.

The Judge is married and has two children.

HON. DAVID L. STOWE



Judge Stowe was elected Grand Traverse County Probate Judge in November 2000 and has served in that capacity since January 1, 2001. The Probate Court has jurisdiction over cases pertaining to admission of wills, administration of estates and trusts, guardianships, conservatorships and the treatment of the adult mentally ill and developmentally disabled. Judge Stowe also serves as the Family Division Circuit Court Judge

and presides over all Grand Traverse County cases within the jurisdiction of the Family Division that involve minor children.

Before taking the bench, Judge Stowe practiced law in Traverse City. He is a past President of the Grand Traverse-Leelanau-Antrim Bar Association, and has served on numerous local and state boards involving children, families and seniors. Prior to beginning his legal career, Judge Stowe was a health department sanitarian, high school biology teacher and worked in Washington, D.C. as a lobbyist.

Judge Stowe received a Bachelor of Science degree in Zoology from Michigan State University and his law degree from Thomas M. Cooley Law School.

Judge Stowe and his wife Pam have two teenage boys, and their family lives in Traverse City.

HON. NORMAN R. HAYES

Judge Hayes serves his constituents as Probate Judge presiding over all litigation involving estates, guardianships, conservatorships and mental health commitments. Judge Hayes also serves the Family Division by presiding over all Antrim County cases encompassed within the jurisdiction of the Family Division.

Judge Hayes was first elected in November 2000 and took the bench on January 1, 2001. Prior to becoming Judge of Probate, Judge Hayes served as District Court Judge for ten years and Prosecuting Attorney for eleven years. Judge Hayes has served as a Director of the Michigan District Judges Association and a Director of the Prosecuting Attorneys Association of Michigan.



Judge Hayes earned his law degree from the Thomas M. Cooley Law School in 1979. Judge Hayes obtained his undergraduate degree from the University of Michigan and Mott College.

Judge Hayes is married and has three children.

HON. JOSEPH E. DEEGAN

Judge Deegan has served his constituents as Probate Judge presiding over all litigation involving estates, guardianships, conservatorships and mental health commitments since 1989. Effective January 1, 1998, Judge Deegan also serves the Family Division by presiding over all Leelanau County cases encompassed within the jurisdiction of the Family Division.



Judge Deegan was first elected Probate Judge for Leelanau County in 1988. He took office on January 1, 1989 and was re-elected without opposition to a second term in November of 1994 and a third term in November of 2000. Prior to taking the bench, Judge Deegan was Leelanau County Prosecuting Attorney for two terms from 1981 to 1988.

Judge Deegan earned his law degree from the University of Detroit Law School in 1963 after obtaining his undergraduate degree from Sacred Heart Seminary College in Detroit.

Judge Deegan and his wife Jeanne have seven children and two grandchildren.

FAMILY DIVISION

The Family Division of the Circuit Court has jurisdiction over criminal cases involving minors, child abuse and neglect, guardianships of juveniles, adoption proceedings, and domestic relations matters. In Leelanau County, 131 new domestic relations cases were filed and 163 domestic relations cases were disposed of in 2002. In Antrim County, 233 new domestic relations cases were filed and the Court disposed of 227 cases. In Grand Traverse County, 711 new domestic relations cases were filed - 412 involving minor children and 306 not involving minor children. A total of 495 of those cases were completed in 2002. In addition, the Family Division of the 13th Circuit Court handled 1,051 juvenile criminal matters, 79 abuse and neglect matters, 576 miscellaneous family matters, 89 adoptions, 253 personal protection orders and 52 other family-related matters.

The assignment of all domestic relations cases, and the scheduling within those cases, originates in the Circuit Court Administrator's Office in Traverse City. The assignment of all other Family Division cases and the scheduling within those cases originates in the relevant local office of the Family Division. Each county maintains a local office of the Family Division. Family Division records are maintained in the County Clerk's Office for each respective County.

In Grand Traverse County, the Family Division has adopted a philosophy that more intensive services for youth will not only make a change for the better in the youths' lives (including less recidivism, increased school attendance and employability) but also help reduce the future crime rate



Grand Traverse County Family and Probate Court
 Back Row: Roger LaLonde, Andrea Humphrey, Chad Bousamra, Barb Donaldson, Cheryl Burrows, Janet Kronk, Judge David L. Stowe
 Front Row: Gaye Matta, Joan Layton, Kellie Ronbinson, Sarah McKenna, Referee Cynthia Conlon
 Not Shown: Shirley Weiglein, Cindy Curry

and jail population, thus saving the taxpayers money. To accomplish these objectives, many programs exist to assist our youth, including the YES shoplifting program, the World of Work program, monthly MADD forums, increased terms of probation and hours of community service, options for tethering youth, random and frequent drug testing, and increased use of alcohol and drug treatment programs. The Child Care Fund bills parents for every reimbursable dollar spent for their child(ren).

The Family Court also has a Volunteer Services Division that oversees and manages a large cadre of dedicated volunteers who work with youth in the area of prevention and probation. The Volunteer Services Division is instrumental in molding and shaping specific programs for the Court, including collaborating with Truancy Intervention, the World of Work Program, the Hold-Over Site, Youth Transports, and Learning Partners, as well as stress management and working with the prosecutor's office on the Citizens panel.



Volunteer Services
 Rosa Breneman, Linda Fawcett, Cindy Edmonson, Cheri Haus

Future challenges for the Grand Traverse County Family Division include creating a more structured Court-Appointed Special Advocate (CASA) program. A CASA is a volunteer who has had extensive training and is assigned to and helps speak for the best interests of a child or children in a family involved in an abuse and neglect proceeding. Other challenges include developing and implementing a Juvenile Drug Court and a Teen Court. The Family Division also hopes to develop an Area Resource Guide of services for youth and their families.

The Leelanau County Family Division also has an active Volunteer Program that coordinates the Community Service Work Garden, among other programs. All of the members of the juvenile staff are heavily



Leelanau County Family and Probate Court

Back Row: Tom Mayhew, Joseph Povolo, Theresa Schaub, Susan Richards,
Judge Joseph E. Deegan

Front Row: Julie Orr, Josephine Lingaur, Betsy Fisher, Ryan Douglass

involved in the Leelanau County Family Coordinating Council. Betsy Fisher and Theresa Schaub are trained coaches for the Girls on the Run Program which is designed to help girls between the ages of 8 and 11 celebrate being girls and develop strong self-esteem through physical fitness. Tom Mayhew is a Diversion Program counselor who emphasizes prevention. Leelanau County also has two non-secure detention homes and a strong substance abuse program. Ryan Douglass provides all of the Court's drug testing services.

In 2002, the Antrim County Family Division continued its mission of committing precious resources to direct client services, advocating for prevention programming, and improving efficiency. According to the State Court Administrator's Office, Antrim was one of only 12 counties in the State which had realized a decrease in Child Care Fund Expenditures since 1997.



Antrim County Family and Probate Court

Left to Right: William Hefferan, Pat Theobald, Christine Watrous, Sandy Churchill,
Judge Norman R. Hayes, Sandy Davids, Theresa Ankney

Through partnerships with Regional Detention Support Service's volunteers and private therapists, the Court has continued to focus its efforts on intensive short-term interventions. The Therapeutic Services Program continues to quickly target problematic children and families under the Court's jurisdiction, while 100% of Basic

Grant funding is utilized to pro-actively interdict with students identified as at-risk by local school districts. The Court is anxious to expand this and other prevention programs beginning in October of 2003, with new Child Care Fund Enhanced Reimbursement Funding.

The Antrim County Family Division also intends to implement new internet based services in 2003. By utilizing the Juvenile Justice On-Line Technology system, expanding the Court's local web page to include services, F.A.Q.'s, forms and instructions, and contracting with Government Payment Services, Inc., it hopes to continue improving public access to the Court. Equally important, are the exciting opportunities to be presented in mid-2003 with the new Michigan Court Rules and the Circuit's new Family Division Plan.

FAMILY DIVISION REFEREES



Dennis Mikko



Cynthia Conlon

Dennis Mikko and Cynthia Conlon are referees for domestic relations and juvenile matters in the Family Division. Both are attorneys licensed to practice law in Michigan and came to the Court with substantial trial experience. The Referees preside over child abuse/neglect cases, juvenile offender matters and all child-related issues in domestic relations cases in all three counties. Through its alternative dispute resolution program, specifically facilitative mediation and final settlement conferences, the Court encourages and enables parents to resolve their issues cooperatively and reach mutually agreeable solutions without the adversity and expense often associated with trial.

The Referees conducted approximately 121 hearings in custody and parenting time disputes and 1,080 show cause hearings regarding support. The Referees reviewed 382 requests for personal protection orders. Objections to child care contributions and to medical reimbursement demands were heard by the Referees and they conducted approximately 1,644 hearings in various delinquency and abuse/neglect matters.

FRIEND OF THE COURT

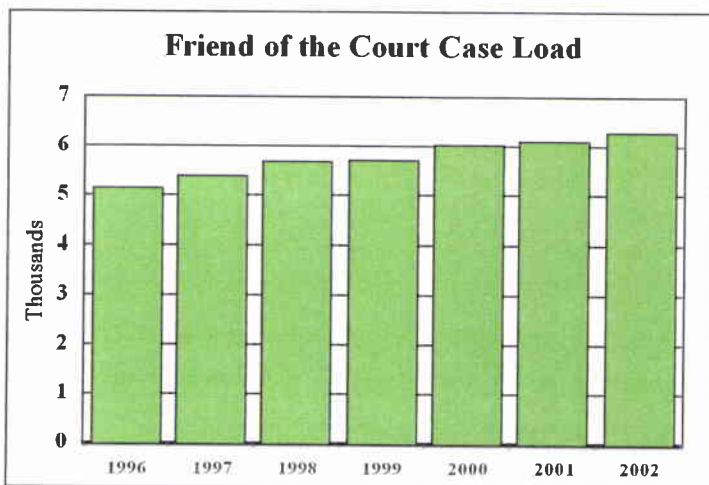


Friend of the Court

Back Row: Dannielle Higgins, Karen Sanchez, Jeremy Hogue, Paul Lezon
3rd Row: Mary Anne Lyberg, Tracie Ames, Margaret Mulcahy, Mary Anderson, Carol Rose
2nd Row: Gloria Van Hoose, Jayne Arnold, Ellene Peters, Alisa Gallo, Pete Walters
Front Row: Fran Boyle, FOC Dawn Rogers, Nannette Courson
Not Shown: Julie Conway, Sandy Schaub, Al Crocker, Angela Pelletier

Dawn M. Rogers is the Friend of the Court. The Friend of the Court Office (“FOC”) is responsible for representing the best interests of the children in those cases which come before the Circuit Court Family Division because of divorce, custody, child support, visitation or paternity disputes. The FOC case managers conduct interviews, gather financial information, mediate with parties and prepare written proposals offering their recommendations for review by the Family Division Judges as to what would be the best resolution possible for the children. Whenever the Court enters an order regarding custody, child support, visitation or paternity issues, the FOC is responsible for enforcing that order.

Over the years, the FOC case load has continued to increase. In 2002, 671 new cases were added to the caseload, 439 from Grand Traverse, 147 from Antrim and 85 from Leelanau. 334 (50%) of the new cases were divorces with minor children; 84 were filed under the Paternity Act and 153 were filed under the Family Support Act. These are cases initiated almost exclusively by the Prosecuting Attorney’s office. This category of cases, paternity and family support matters, represents 35% of the new cases filed in the 13th Circuit in 2002. The balance of the new cases is made up of divorces without minor children (19), transfers from other counties (7) and interstate cases (52). The total caseload for 2002 is 6,312 - a 3% increase in caseload over 2001.



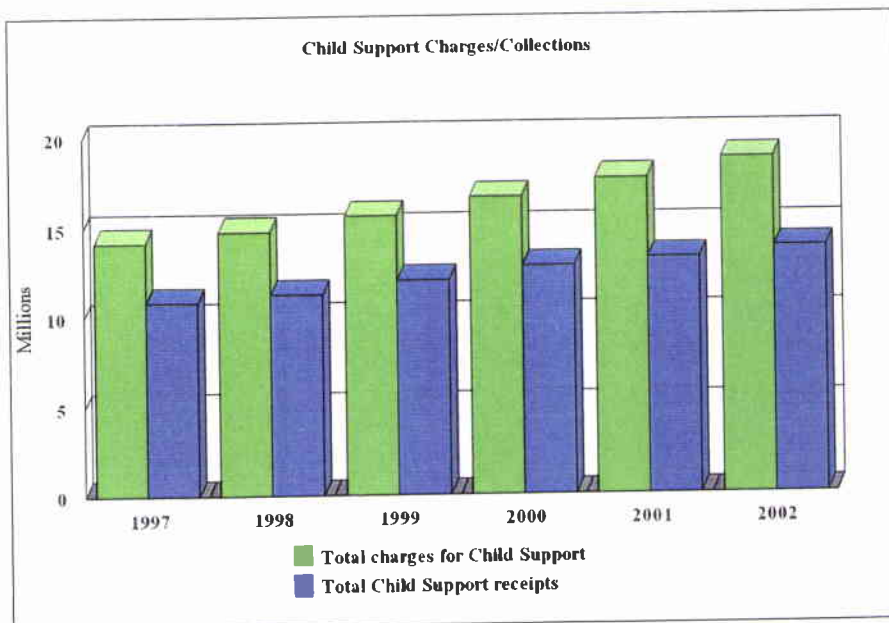
During 2002, a total of 586 initial orders were prepared for the Family Division Judges by the Friend of the Court. This is an average of 49 initial orders each month. In each of these cases, Friend of the Court schedules appointments with the parents, gathers and reviews financial information, and conducts investigation for the purpose of preparing a recommended order for the Court on child custody, parenting time, child support and health insurance and health care expenses. The average number of days between receipt of the pleadings and submission of a proposed order to the Court was 22.

In 81% of the new cases, an attorney (which could include the prosecuting attorney) represented the plaintiff. In 19% of the new cases were filed *pro per*, meaning the plaintiff was not represented by counsel.

Of the initial orders generated by the FOC, 59% granted custody to the mother, 6% granted custody to the father, 17% provided for shared physical custody and the balance represents split care, third party care and cases where custody of the children was reserved initially, usually due to the fact that the parties were still residing in the same household. In 46% of the new cases, the parties agreed to custody at the initial conference; in 12% of the new cases, custody was determined by default.

The FOC conducted 786 reviews in 2002; an average of 65 reviews per month. The average number of days for the completion of a review was about 29. Sixty-seven percent (67%) of the reviews involved a review of child support; 34% of the reviews involved an issue of parenting time, and in those, an agreement was reached in 45% of the cases. The FOC also prepared 203 stipulated orders for clients in 2002 in an average of 6 days.

In 2002, a total of \$18,785,531.44 was charged in child support. That is a 6.28% increase over the amount of child support charged in 2001. Of the current charges, a total of \$13,786,876.03 was collected, resulting in a current charges to current collections ratio of 73%. When \$17,266,684.43 in collections for outstanding child support arrearage is added, a total of \$17,266,684.43 was collected in child support during the year, producing an overall charges to collections ratio of 92%.



During 2002, the FOC charged a record \$20,440,032.22 which includes statutory fees, court costs, spousal support, medical reimbursement and transportation costs. The FOC collected a total of \$19,091,400.29, for an overall collection ratio of 93%.

FOC projects/events in 2002 included the following:

- The FOC's major focus was to adapt to the State's Child Support Enforcement System (CSES).
- A fourth Access and Visitation Grant was received, allowing the Friend of the Court to continue working with Child and Family Services of Northwest Michigan to refer families for supervised parenting time as needed and for an educational program for never-married parents called Parents and Children Together ("P.A.C.T."). P.A.C.T. was presented 9 times in calendar year 2002. Over 70 parents attended and evaluations continue to be favorable.
- The FOC initiated credit card payment of child support. This program allows payors to make child support payments using a credit card. Through an arrangement with Government Payment Solutions (GPA), the FOC is able to receive guaranteed funds. The entire program is at no cost to the FOC. Child support obligors have made use of this program, in particular, to pay bonds on warrants and make other lump sum payments.

- The FOC continued development of a Policies and Procedures Manual, and the review and revamping of forms, to increase consistency and provide a reference and training tool. Nearly a dozen new laws passed in 2002 which impact FOC operations.
- A staff person from community Michigan Works agencies now attends FOC contempt or “show cause” hearings. During a hearing, the Court has the ability to refer a child support obligor who is not making his/her payments and may be unemployed or under-employed to the Michigan Works for assistance with employment.

COURT ADMINISTRATION

COURT ADMINISTRATOR

As the Court Administrator, MaryAnne Macy is responsible for personnel, budget, case flow, Facilities and implementation of policies and procedures set by the judges. MaryAnne is a certified mediator and mediation trainer and was instrumental in developing the Court’s facilitative mediation program. MaryAnne served on the Michigan Supreme Court Dispute Resolution Task Force which drafted the ADR Court Rules that were enacted in 2000 and she served on committees that guided statewide implementation of mediator training and standards for court ADR programs in Michigan. MaryAnne currently serves on the Institute for Continuing Legal Education Mediation Advisory Board.



MaryAnne Macy



Seated: Norma Sandelius
Standing left to right: Kathleen Alandt, Karen Carmody, Jacque Cardinal,
Terri Quinn, Julie Arends, Carol Dee

PERSONNEL

The Court Administrative Office is staffed by well-trained, highly-skilled and personable members of the administrative team who continually strive to improve the Court’s delivery of services. Each member of the staff has a specific responsibility and is cross-trained to assist during any other member’s absence.

Carol Dee is primarily responsible for scheduling all domestic, civil and criminal court matters and for preparing monthly, quarterly and annual case management reports. Kathleen Alandt schedules all Domestic Relations Referee hearings and personal protection order hearings.

Norma Sandelius is primarily responsible for administering the Court's Alternative Dispute Resolution Plan. In conjunction with the Judges and the local Bar Association, Norma creates the rosters of attorneys who serve as case evaluators and Court-approved mediators and she monitors every case that is ordered into case evaluation or facilitative mediation.

Julie Arends is the Court's detail person. She creates all final judicial decisions, orders and correspondence. She prepares pre-trial and final settlement conference worksheets and creates Civil and Domestic Scheduling Conference Orders.

Karen Carmody is the Court's full-time court reporter. She has been with the Court since 1998. Like the Judges, Karen "rides the circuit," reporting cases in each of the three counties as needed.

Jacque Cardinal is the Court's front desk person. She answers the telephones, greets litigants and their counsel, schedules final divorce hearings, prepares and posts daily dockets, and reviews and distributes incoming mail. Jacque also docket attorney-noticed motions and expedites personal protection orders, keeps the Judges' calendars updated, follows up on judgments and dismissals when due, and manages courtroom and court reporter assignments.

Teri Quinn manages the Court's collection program and collects fines, costs, attorney fees and restitution from convicted felons. Teri was instrumental in developing the necessary computer program for the collection program. Over the years, she has created an efficient, highly-successful process that combines wage assignments, a close working relationship with the Department of Corrections probation officers and judicial involvement through Orders to Show Cause for collecting moneys owed the Court.

JUDICIAL ASSISTANTS

Each of the Circuit Court Judges employs a full time Judicial Assistant who conducts legal research, drafts judicial opinions and orders and serves as a liaison between the Court and the jury during jury trials.

The Assistants also facilitate the movement of the cases by preparing civil scheduling conference orders, reviewing pleadings, communicating with counsel, and working with litigants and their counsel during the final settlement conferences.



Mike Rader

Mike Rader is Judge Power's Judicial Assistant. Prior to working for the Court, Mike worked for a local private law firm. Mike has been with the Court for 17 years.

Barbara Budros is a Judicial Staff Attorney to Judge Rodgers. Barbara is an attorney licensed to practice law in Texas and Michigan. She has a background in criminal prosecution and civil litigation. Barbara is a trained facilitative mediator and authored the Court's ADR Plan. She also serves on the local bar association's ADR Committee. Barbara has been the writer, editor and photographer of the Court's Annual Report since 1998.



Barbara Budros

FINANCES

Pursuant to an Inter-County Operating Agreement, the Joint Judicial Commission was established to act as a liaison committee among the counties and Judges to coordinate financial and administrative responsibilities between the counties and the Court. The Joint Judicial Commission consists of the Judges, court administrator, board chairperson, the chairperson of the Finance/Ways and Means Committee, County Administrator/Coordinator and Chief Administrative Fiscal Officer from each county. The Commission has the authority to recommend modification of the Inter-County Operating Agreement. Each year during the budget preparation process, the Commission meets to review the proposed annual budgets. On September 20, 2002, the Joint Judicial Commission met at the Courthouse. They learned about the Court's budget requests for 2003, reviewed court-related statistics and discussed pending legislation that will affect the fiscal operations of the Court and its constituent counties.

Revenue and Expenditures

Pursuant to an Inter-County Operating Agreement, the Joint Judicial Commission was established to act as a liaison committee among the counties and judges to coordinate financial and administrative responsibilities between the counties and the Court. The Joint Judicial Commission consists of the Judges, Court Administrator, board chairperson, the chairperson of the Finance/Ways and Means Committee, County Administrator/Coordinator and Chief Administrative Fiscal Officer from each county. The Commission has the



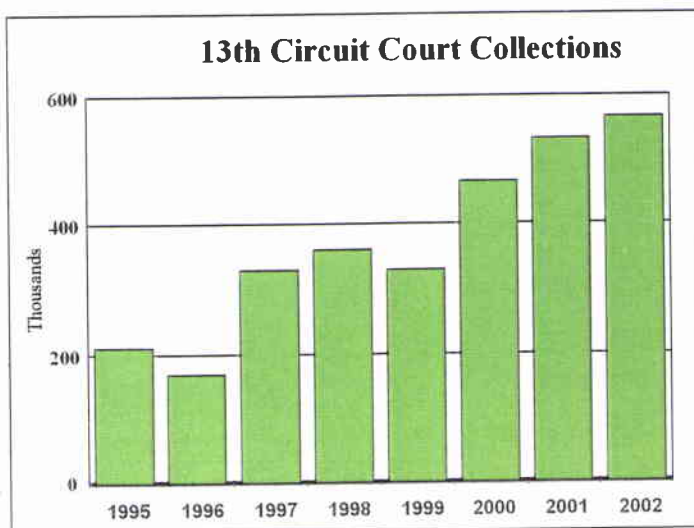
Joint Judicial Commission Meeting - September 2002

authority to recommend modification of the Inter-County Operating Agreement. Each year during the budget preparation process, the Commission meets to review the proposed annual budgets. On September 20, 2002, the Joint Judicial Commission met at the Courthouse in Traverse City. The members learned about the Court's budget requests for 2003, reviewed court-related statistics and discussed pending legislation that will affect the fiscal operations of the Court and its constituent counties.

Grand Traverse County is the designated fiscal agent for the Thirteenth Circuit Court. Grand Traverse County is responsible for the processing, audit, verification, and payment of all operating expenses and for maintaining the Circuit Court Operating Fund. The expenses of operating the Court are divided into "cost-shared" and "cost-direct" expenses. Cost-shared expenses include such items as salaries and fringe benefits, office space, computer data processing, office supplies, and other capital expenditures. These expenses are paid for out of the Operating Fund. On a monthly basis, each county pays into the Fund its pro-rata share of actual expenses incurred. The pro-rata share of each county is the same proportion as the number of cases entered and commenced in that county. Cost-direct expenses such as Court-appointed attorney fees, jury fees, witness fees, transcript fees and courthouse security costs are paid directly by each individual county.

In 2002, Antrim County transferred \$184,971, Leelanau County transferred \$129,980 and Grand Traverse County transferred \$980,345 into the Operating Fund. (These figures are high compared to the figures in the 2001 Annual Report because the 2001 figures were published before applicable year-end adjustments had been made whereas these figures have

already been adjusted.) Additional revenue comes from the State, from filing fees, fines and court costs assessed by the County Clerks' Offices and from the Court's highly successful collection program that allows the Court to collect fines, costs, appointed attorney fees, restitution and crime victim fund payments from convicted felons. The total amount collected through the program reached the \$2 million mark in 2000. In 2002, a total of \$567,603 was collected: \$89,771 in Antrim



County, \$49,374 in Leelanau County and \$428,458 in Grand Traverse County.

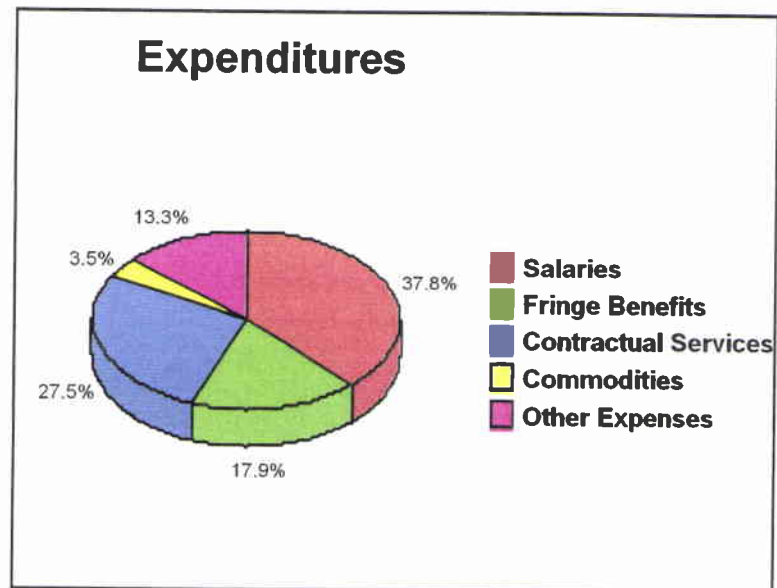
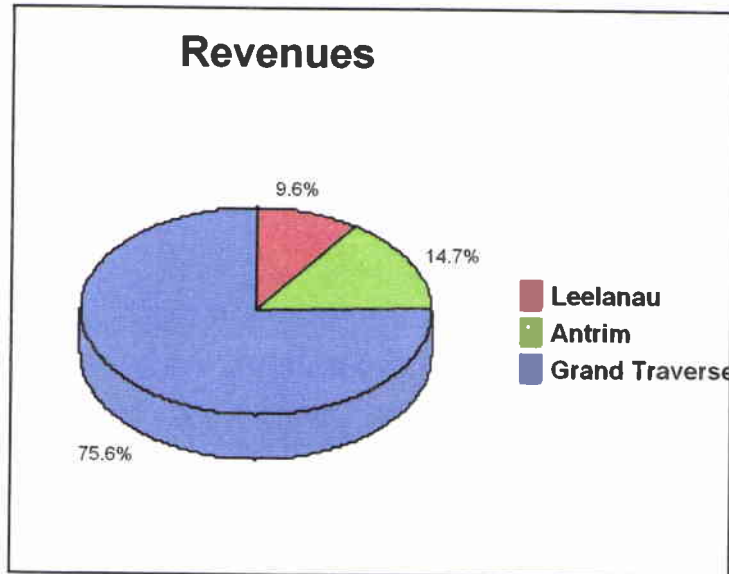
The Court's total revenue for 2002 was \$1,862,899.

Expenditures for 2002 totaled \$1,295,296 and included:

\$ 489,387 Salaries for judicial and administrative staff.

\$ 232,121 Fringe Benefits for judicial and administrative staff (incl. FICA of \$31,600).

- \$ 356,628 Contractual Services for payments for defense counsel, transcripts, juror payments and mileage, interpreters, professional services and other items central to administration and operation of the court.
- \$ 45,316 Commodities, primarily for postage and office supplies.
- \$ 171,843 Other Expenses for costs including such items as equipment rental, printing, utilities, law books, continuing education and liability insurance.



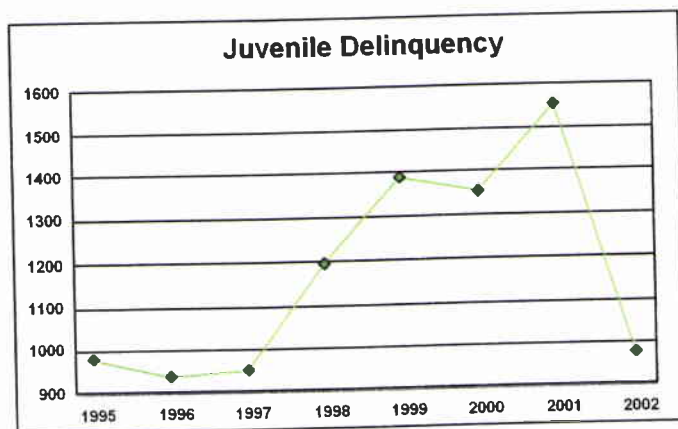
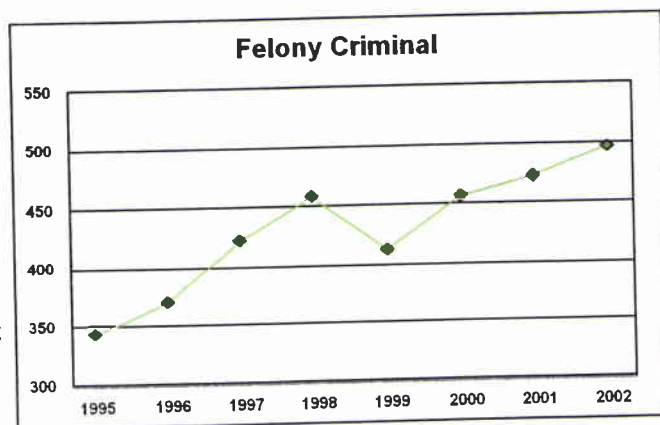
CASE FLOW MANAGEMENT

The Thirteenth Circuit strictly adheres to the Michigan Court Rules time lines and Administrative Orders regarding case flow management. In every case, the Court's Scheduling Order sets forth the time line for the disposition of the case consistent with the time lines set by the State Court Administrative Office ("SCAO"). The Court's administrative staff provides intensive case management to "move the docket" and to avoid the aging of the Court's cases. Throughout Michigan, this Court has developed a reputation as a "well-oiled machine" that resolves cases in a short timeframe. The Court's case management system requires constant monitoring and follow-up with the result that litigated civil disputes can realistically be resolved within a calendar year and criminal case within a few months.

Circuit Court Case Load

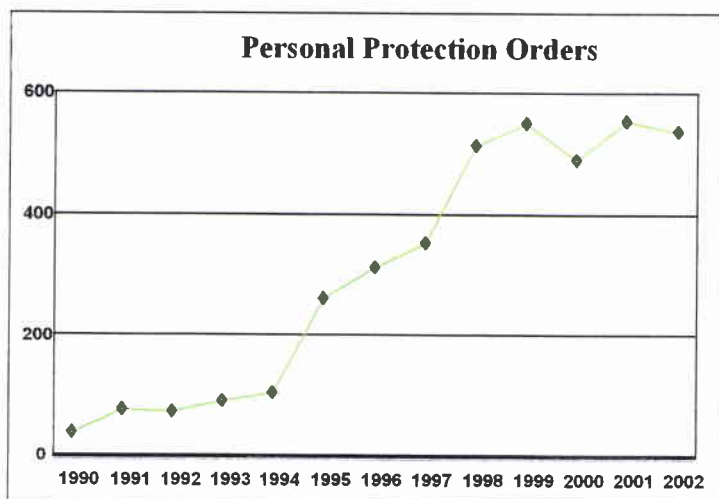
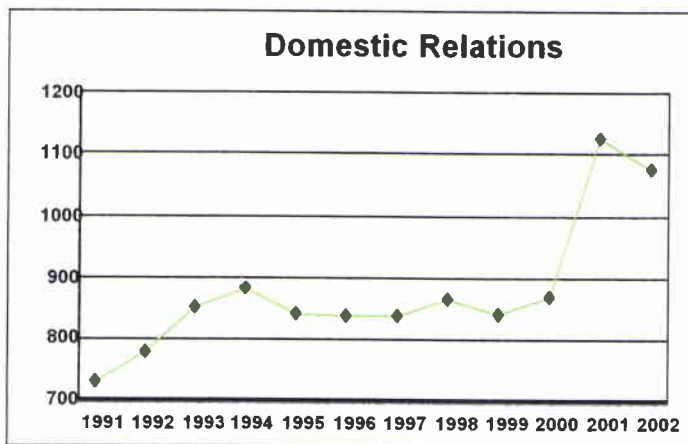
The following graphs show some of the trends in new case filings.

The number of felony criminal cases filed in the Circuit continues to steadily increase. Theft offenses, particularly embezzlements, continue to account for much of the increase. The Court has not noticed a significant increase in assaultive crimes, except in the area of drug-related violent crimes.



Although there was a corresponding rise in juvenile crime through 2001, there was a sharp decrease in juvenile crime in 2002. This decrease is misleading because it results from misdemeanors no longer being handled by petitions, but instead being handled as tickets and from an increasing number of cases being referred to diversion programs. None of the tickets or referrals to diversion programs are counted here.

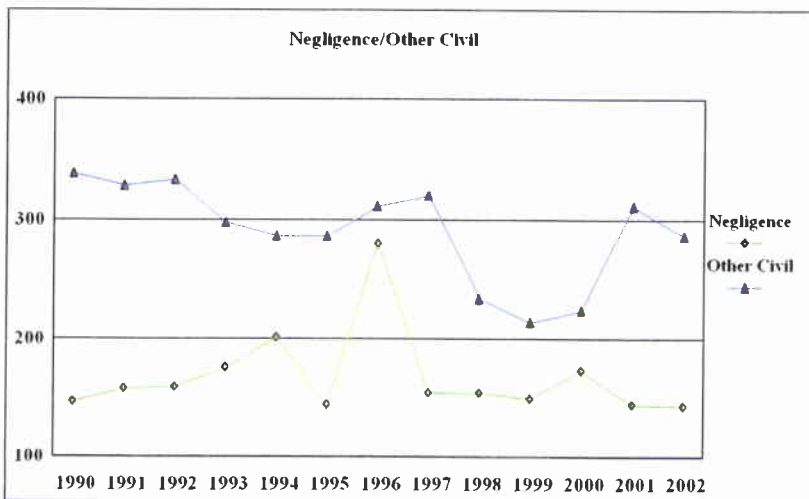
The number of Domestic Relations cases, including divorces and paternity cases, reached a record high in 2001. Divorce filings peaked in 1993 and have since declined, while paternity filings have steadily increased. The total number of new cases filed in 2002 actually dropped slightly.



The number of requests for personal protection orders declined only slightly in 2002. There were a total of 538 requests filed. Of those, 364 were requested in domestic situations, 157 were requested in stalking situations and 17 were requested against juveniles. A total of 321 orders were actually issued - 248 domestic, 61 stalking and 12 juvenile.

Negligence cases represent a relatively small fraction of the total annual case filings, but they are among the most complex and

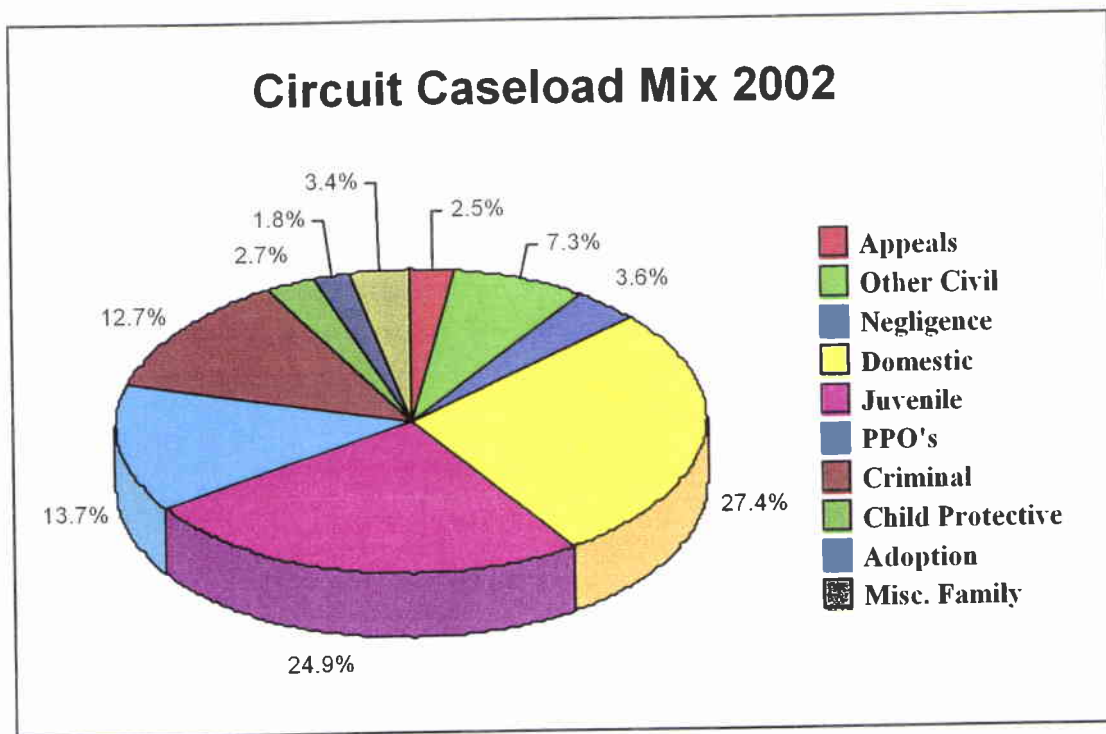
challenging cases. Typical negligence cases include automobile trauma, medical negligence, premises liability and disputes regarding insurance coverage or benefits. The attention paid to these cases resulted in significant court reforms that were made effective for cases filed after the spring of 1996. Accordingly, as many cases as possible were filed



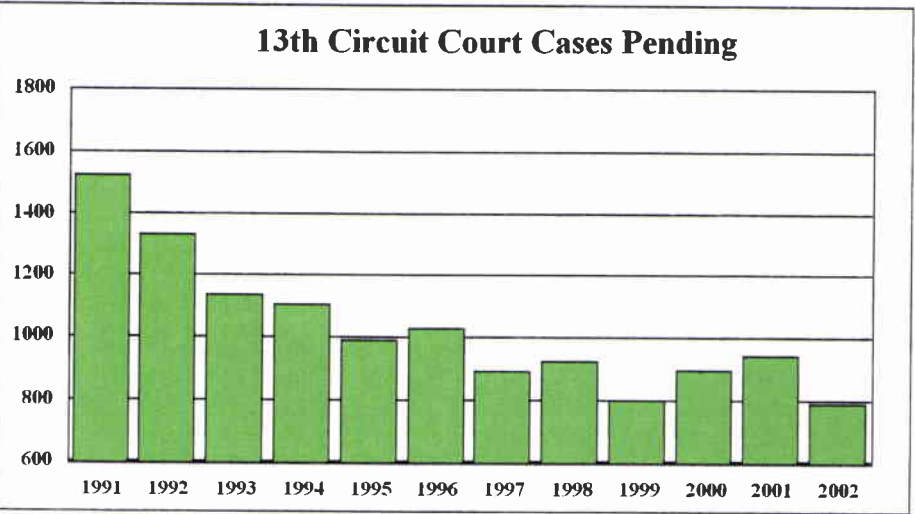
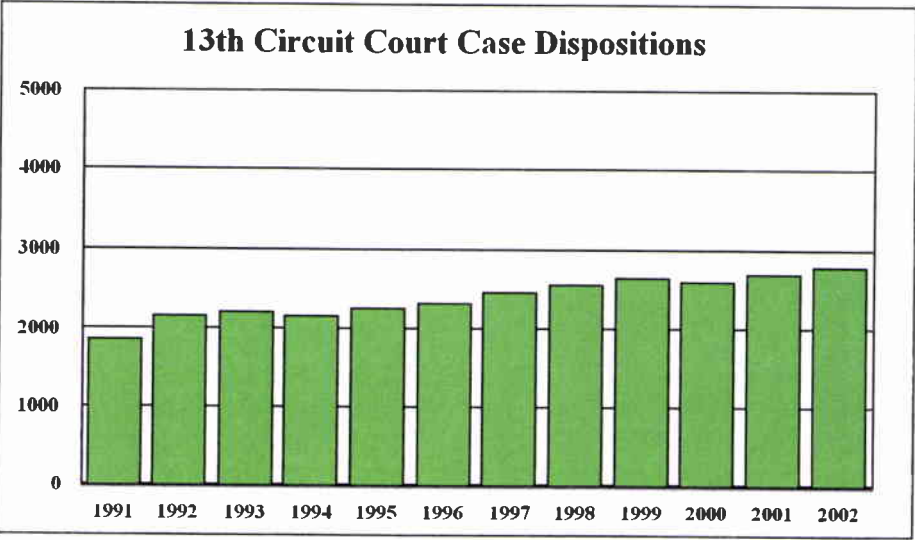
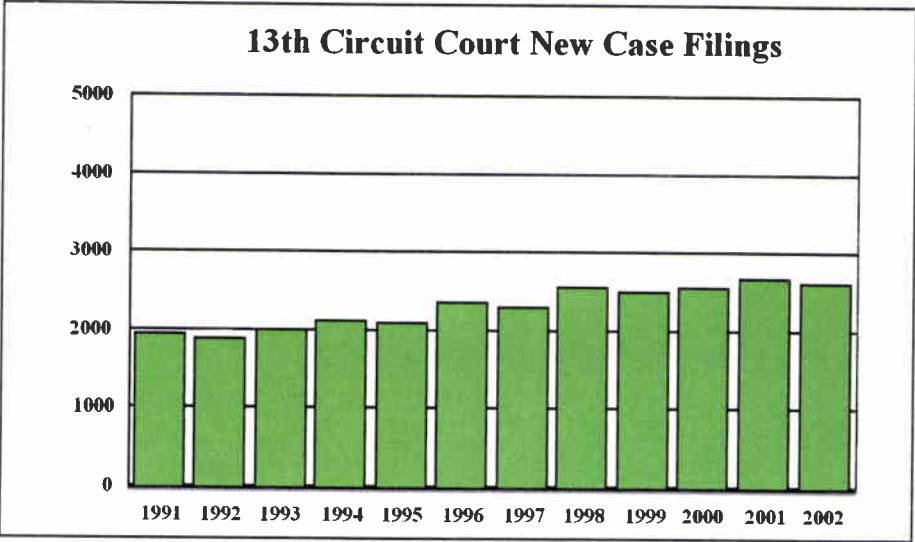
prior to this time deadline which accounts for the late 1995 - early 1996 spike in negligence case filings. In

1996, negligence case filings constituted 12% of the Court's total filings. In 2002, negligence case filings made up a record low of only 4% of the total new case filings.

General and other civil matters constituted 12% of the new case filings at the beginning of the decade. That proportion has gradually declined and, in 2002, general and other civil matters accounted for only 8.7% of the total new case filings.



The Thirteenth Circuit is one of the busiest in the state. In 2002, there were 3,922 new cases filed - 1,024 Circuit Court cases and 2,898 Family Division cases. Of the 2,898 Family Division Cases, 1,301 were juvenile matters, adoptions and miscellaneous family matters that were not within the jurisdiction of the Circuit Court prior to the creation of the Family Division. A total of 4,135 cases were disposed of during 2002. Of these, 1,103 were Circuit Court cases and 3,032 were Family Division cases. For historical consistency, the bar graphs below illustrate the new case filings, dispositions and ending pending cases for the Circuit Court without including the cases that were not within the jurisdiction of the Circuit Court prior to the creation of the Family Division in 1998.



CIVIL CASE MANAGEMENT

Alternative Dispute Resolution

Case evaluation, facilitative mediation and final settlement conferences result in the resolution of a large number of cases, thereby reducing taxpayer cost by reducing the overall need for jurors, compensation for lay and expert witnesses in criminal cases and delaying the need for additional judges and courtrooms.

Case Evaluation

Case evaluation is a non-binding, alternative dispute resolution process in which a panel of experienced attorneys, based on written summaries and oral presentations, evaluates the case. In 2002, 249 cases were ordered to case evaluation. Of those cases, 135 were resolved prior to the case evaluation and 114 cases were evaluated. In 11 cases (10%) the parties accepted the case evaluation and 3 cases were resolved before the evaluation response was due. The remaining 100 cases (88%) were not resolved through case evaluation. Of those, 44 were settled before or at the final settlement conference, 7 were settled after the final settlement conference but before the date of trial, 2 settled on the morning of trial, and 10 proceeded to trial. A total of 37 cases that were referred to case evaluation are still pending.

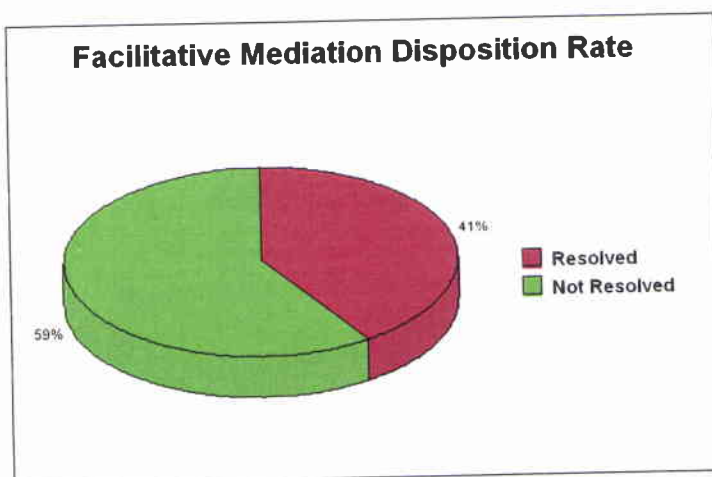
Facilitative Mediation

Facilitative mediation is an alternative dispute resolution process in which a neutral third party facilitates confidential communication between the parties in an attempt to help them reach a mutually agreeable resolution.

In 2002, a total of 139 domestic relations cases were ordered into facilitative mediation on property-related issues. Of those, 61 cases (44%) were settled or otherwise resolved before the mediation hearing. Another 4 cases were removed from the mediation schedule by the assigned Judge. Of the 78 cases that were mediated, 39 (50%) were resolved during the mediation hearing and 39 (50%) were not.

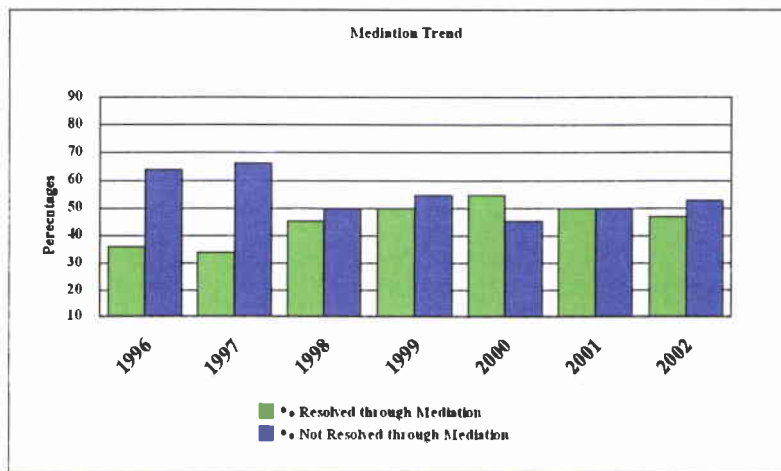
A total of 179 domestic relations cases were ordered into mediation for child-related issues. A total of 85 cases were resolved by other dispositions before the mediation hearing and 13 case was removed

from mediation by the assigned Judge. Of the 94 cases that were mediated, 48 cases (51%) were resolved at



the hearing with the mediator's assistance and 46 (49%) were not.

A total of 170 general civil cases were ordered into facilitative mediation. Of those, 44 cases were settled or otherwise resolved prior to mediation, 2 cases were removed from mediation by the assigned Judge. A total of 124 cases were mediated. Of those, 51 cases (41%) were resolved and 73 cases (59%) were not resolved. The historical success of facilitative mediation is illustrated in the bar graph.



CRIMINAL CASE MANAGEMENT

Case Load

The following is a list of crimes for which individuals were sentenced in 2002.

Crime type	Number sentenced		
	Leelanau	Antrim	Grand Traverse
CRIMES AGAINST A PERSON			
Murder	0	1	0
Negligent Homicide	0	1	1
Assault Bodily Harm Less Than Murder	0	0	1
OUIL Occupant Under 16	0	0	2
Armed Robbery	0	0	2
Aggravated/Felonious Assault	3	10	1
Home Invasion	2	2	6
Resisting & Obstructing a Police Officer	11	2	8
Domestic Violence	1	0	1
Child Abuse	2	1	2
Criminal Sexual Conduct	3	5	15
Assault w/ Intent to Commit Sexual Penetration	0	0	2
Gross Indecency	0	7	1
Larceny from a Person	0	0	1

CRIMES AGAINST PROPERTY

Enter without Breaking	3	0	11
Breaking and Entering Building/Unoccupied Dwelling	3	15	9
Breaking and Entering Coin Operated Device	0	0	5
Larceny in a Building	2	7	31
Larceny from a Motor Vehicle	0	0	0
Larceny Over \$100	2	0	2
Larceny by Conversion	0	0	0
Receiving and Concealing Stolen Property	0	0	3
Steal/Use/Possess Unauth. Financial Transaction Device	1	2	9
Uttering and Publishing	2	0	3
False Pretenses	0	0	3
Embezzlement	1	11	2
Forgery	0	0	1
Welfare Fraud	0	0	0
NSF Checks	1	1	3
No Account Checks	1	0	4
Retail Fraud	1	0	1
UUMV; UDAA; UUA	4	0	12
MV-Mortgage Remove State	0	0	1
Arson	0	2	1
Malicious Destruction of Property	0	0	6
Arson	1	1	0

CRIMES INVOLVING A CONTROLLED SUBSTANCE

Marijuana	0	4	6
Possession Marijuana/School Property	0	0	1
Cocaine	3	0	13
Delivery to a Minor	0	0	0
Obtain by Fraud	0	0	1
Maintain a Drug House	0	1	4
Delivery Methamphetamine	0	1	1
Prisoner - Possess Contraband	0	0	1
Accessory After the Fact	0	1	0

CRIMES AGAINST PUBLIC ORDER

Desertion and Abandonment/Fail to Pay Child Support	0	8	14
False Report Felony	0	2	0
Animal Killing	1	0	1
Failure to Register - Sex Offender	1	1	1
Abscond Bond	0	1	1
Fabricate/Destroy Medical Records	0	0	1
Assault Prison Employee	0	1	1
False Certification	0	1	0
Perjury	0	0	2

CRIMES AGAINST PUBLIC SAFETY

OUIL 3 rd	13	15	61
OUIL Causing Serious Injury	1	2	0

Operating Visually Impaired 3 rd	0	0	1
Operating w/ Revoked License Causing Injury	0	0	1
Felon in Possession of a Firearm	0	1	1
Carrying a Concealed Weapon	1	2	2
Escape	1	0	1
Fleeing and Eluding a Police Officer	2	2	14

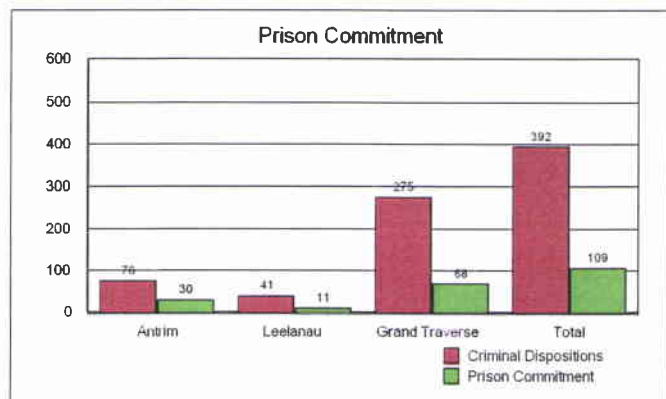
COUNTY TOTALS	37	93	317
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CIRCUIT TOTAL			447**
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*Of the 89 total OUIL 3rd defendants, 21 were probation violators. Of the 61 OUIL 3rd defendants in Grand Traverse County, 15 were probation violators. Five were continued on probation after serving jail time, one was revoked and sentenced to jail, and nine were sent to prison. Of the 13 Leelanau County OUIL 3rd defendants, 3 were probation violators. Two were continued on probation with jail time and one was sent to prison. Of the 15 Antrim County OUIL 3rd defendants, three were probation violators. Two were sentenced to prison and one sentence was delayed.

**This total does not include all of the felonies charged in the Circuit. Multiple offenders are only counted once for their most serious crime. Approximately one-fifth of the felonies were committed by probationers.

The Circuit historically accounts for a very small percentage of the total prison commitments in the State, but exceeds the overall State prison commitment rate. For the October 1, 2001 to September 30, 2002 fiscal year, the Court had a 32.2% prison commitment rate in Leelanau County, a 35% prison commitment rate in Antrim County and a 29.4% prison commitment rate in Grand Traverse County for an overall prison commitment rate of 30.7%. The State prison commitment rate for the same time period is estimated at approximately 25%. This Court's sentencing practices reflect the community's belief that crime must receive a proportionate and serious response.



PROBATION DEPARTMENT

Probation officers, who are employees of the Michigan Department of Corrections, assist the Circuit Court in each county. There are seven probation officers who each supervise an average of 360 clients per month. In addition, they are responsible for preparing a pre-sentence investigation report regarding each defendant. The report includes an interview and statement from the defendant and information regarding the defendant's background, family, education, physical characteristics, and previous criminal history. The Court utilizes the report when determining an appropriate sentence.

In 2002, the Probation Department completed 39 pre-sentence investigation reports in Leelanau County, 76 in Antrim County and 236 in Grand Traverse County for a total of 351 or an average of 29.25 pre-sentence investigation reports per month. These figures include new conviction and delayed sentence updates, but not probation violation updates. There were 94 probation violations initiated in 2002 for an average of 7.83 probation violations initiated per month.



Leelanau County: Steve Brett



Antrim County: Doug McCann, Christa Gaugler, Jim Ribby

In addition to their other responsibilities, the members of the Probation Department assist with collection efforts to recover costs and restitution and work closely with the Office of Community Corrections to begin the

rehabilitative process by setting up and supervising clients on early release programs, including tether, or substance abuse treatment. Community Corrections saved 21,623 county jail bed days (almost 60 daily) during the 2001-2002 fiscal year.



Grand Traverse County:
Back Row: Linda Lautner, Chuck Welch, Bill Cantinella, Scott Cottrill
Front Row: Sandra Blake, Tom Chapman, Jim Monette

In 2002, the Probation Department in Grand Traverse County moved from their offices on the second floor of the Courthouse in Traverse City to their new offices in the State building on Elmwood Street.

FACILITIES

In 2002, Grand Traverse County made a substantial investment in refurbishing the Grand Traverse County Courthouse, including the third floor which is home to the 13th Circuit Court Administrative Office. The lobby and Administrative Office were repainted, the Administrative Office was equipped with a new configuration of work stations and new carpet was installed throughout.

TRIAL BY JURY

Trial by jury is one of our fundamental rights as citizens of this country. Our corollary obligation is to occasionally serve as a juror. And, yet, typically people do not look forward to being served with a summons to report for jury duty. Even the *Grinch*, as played by Jim Carey, tormented the people of Whoville by putting jury notices in their mailboxes and a local elected official gave up his right to vote because he erroneously believed that the voter role was where the names came from for the jury pool.

Unfortunately, people often learn about our judicial system from watching television. Understandably, their impression of the system is distorted because it is based on the notorious case of the week and the caricature judges of court television. Although these shows may be entertaining, they do not provide a realistic education for a prospective juror who is summoned to participate in a real trial.

The right to a trial by jury was brought to this country from England by the colonists and it has become a part of the birthright of every free citizen. It is a right which is justly dear to the American people, and one which is expressly guaranteed by the Federal Constitution and by the Constitutions of the several States. "In the Magna Charta, the basic principle of the right of jury trial is more than once insisted on as the great bulwark of English liberties." 31 Am Jur, Jury, §3, p 552.

The right to a trial by jury is a substantive right guaranteed by the Michigan Constitution, Const 1963, art 1, § 14, which provides that "the right of trial by jury shall remain." This right was the right to "a trial by a jury of twelve good men and true, whose determination must be unanimous." Under § 46 of article 4 of the Constitution, the legislature may authorize a less number than twelve. The legislature has authorized trial in civil cases by a jury of six with the decision being by agreement of five.

"The purpose of a jury is to guard against the exercise of arbitrary power - - to make available the commonsense judgment of the community as a hedge against the overzealous or mistaken prosecutor and in preference to the professional or perhaps overconditioned or biased response of a judge." *Duncan v Louisiana*, 391 US 145, 155-156; 88 S Ct 1444, 1450-1451; 20 L Ed 2d 491 (1968). Juries express the conscience of the community. Juries are composed of "the peers or equals of the person whose rights it is selected or summoned to determine; that is, of his neighbors, fellows, associates, persons having the same legal status in society as that which he holds." In *Van Sickle v Kellogg*, 19 Mich 49, 52, Cooley, C.J. said: "The constitutional principle which underlies the right [of trial by jury] is one to which the people governed by the common law have clung with perhaps more tenacity than to any other, and they have justly regarded it as not preserving simply one form of investigating the facts in preference to another where both would have obtained the same result, but as securing the mode of trial which was best calculated to insure a just result, and to secure citizens against the usurpation of authority, and against arbitrary or prejudiced action on the part of single individuals who chanced to be possessed of judicial power."

Jurors perform a vital role in the American justice system. The protection of our rights and liberties is largely achieved through the teamwork of judge and jury who, working together in a common effort, put into practice the principles of our great heritage of freedom. The judge determines the law to be applied in the case while the jury decides the facts. "A jury trial is a proceeding in which the jurors are the judges of the facts and the court is the judge of the law." 31 Am Jur, Jury, §2, p 550. Thus, in a very important way, jurors become a part of the court itself.

Jurors must be men and women possessed of sound judgment, absolute honesty, and a complete sense of fairness. Jury service is a high duty of citizenship, a way to fulfill one's civic duty. Jurors aid in the maintenance of law and order and uphold justice among their fellow citizens. Their greatest reward comes from discharging this duty faithfully, honorably and well. In addition to determining and adjusting property rights, jurors may also be asked to decide questions involving a crime for which a person may be fined, placed on probation or confined in prison. In a very real sense, therefore, the people must rely upon jurors for the protection of life, liberty and the pursuit of happiness.

Each of the three counties within the Circuit has a three member jury board. The members of the jury board are appointed by the Governor for six-year terms. The members of the Grand Traverse County jury board are Nancy Muha, Amanda Pouzar and Mary Orth. The members of the Leelanau jury board are Al Porter, Joyce Stackable and Emma Grindsturn. The members of the Antrim County jury board are Cathleen Beal, Patricia Sanderson and Patricia Colvin.

Each jury board obtains the names of prospective jurors from the Secretary of State list of licensed drivers and issued state identifications and is responsible for sending out the original juror questionnaires for their respective county. After the original questionnaire is returned, the jury boards pull the names of the jurors for their Circuit Court, District Court and Probate/Family Court.

The County Clerk's Office in each county is responsible for actually summoning the jurors for a particular court panel. The County Clerk's Office is also responsible for following up with any juror who fails to return the initial questionnaire or appear when summoned. The County Clerk's Office also pays the jurors for their service. In 2002, the County Commissioners in Antrim and Grand Traverse Counties increased the per diem for jurors.

To qualify as a juror, a person must be a citizen of the United States, at least 18 years of age and a resident of the county for which selected. A prospective juror must also be conversant with the English language, be physically and mentally able to carry out the functions of a juror (temporary inability is not considered a disqualification), not have served as a petit juror in a court of record during the preceding 12 months and not be under sentence of a felony at the time of jury selection. Effective October 1, 2003, to qualify as a juror a person must not have been convicted of a felony. A felony is defined as a violation of a penal law

of this state, another state or the United States for which the offender, upon conviction, may be punished by death or by imprisonment for more than one year of an offense expressly designated by law to be a felony.

The Court makes every reasonable effort to accommodate jurors who are on medication or who suffer from a physical disability or require special provisions. The Court encourages jurors to take notes and ask questions. The Court also corresponds with jurors after they complete their service to find out if there is any way in which the Court can improve the jury experience.

In 2002, 776 people were summoned for jury service in Leelanau County. Only 220 of those prospective jurors were required to report for duty and only 60 actually served in the 4 criminal and 2 civil cases that went to trial. The total cost to Leelanau County for jury service was \$8,009.45.

In Antrim County, 729 jurors were summoned in 2002; 317 reported for duty; and 73 actually served in the 5 criminal and 2 civil cases that went to trial. The total cost was \$15,855.19.

In Grand Traverse County, 3,294 prospective jurors were summoned; 718 reported for duty; and 144 actually served in the 7 criminal and 10 civil cases that went to trial. The total cost of jury service in Grand Traverse County was \$15,069.

While the Antrim County total cost may appear high when compared to the costs in Leelanau and Grand Traverse Counties, this disparity can be explained by the one 7-day murder trial in Antrim County in April of 2002 that alone cost Antrim County \$8,385.75.

COUNTY LAW LIBRARIES

In each of the three counties, the Judges and their staff have access to the respective County Law Library. The Grand Traverse County Law Library is located on the fourth floor of the County Courthouse in Traverse City. It operates in a partnership with the Grand Traverse-Leelanau-Antrim Bar Association, Grand Traverse County, and the Traverse Area District Library. The Law Library is open to the public from 8:30 a.m. to 5 p.m. weekdays and offers computer research capabilities as well as access to books and forms.



Librarian Michelle Howard

Grace Rudd and Michelle Howard are the Law Librarians. The Library also houses the local Bar Association's office, including the Traverse Attorney Referral Service.

The NMC Paralegal Program legal research class meets in the Law Library and the students' laboratory fees are used to purchase additional resources for the library. Judge Rodgers, Staff Attorney Barbara Budros and Grace Rudd serve on the Advisory Board for the Northwestern Michigan College Paralegal Program.

SPECIAL EVENTS, AWARDS AND RECOGNITIONS

LIBERTY BELL AWARD

Every year on Law Day, the Grand Traverse-Leelanau-Antrim Bar Association organizes various activities which help to introduce members of the general public to the legal system and legal profession. The Bar offers tours of the courthouse and County Law Library. The Bar staffs "Ask the Lawyer" forums in the community to answer law-related questions.

Every year a member of the community is honored as the recipient of the Liberty Bell Award. The recipient of the Law Day 2002 Liberty Bell Award was former District Court Judge James R. McCormick. Judge McCormick retired from the bench in 2000. Since then he has been hard at work as a volunteer in many areas. Judge McCormick has donated his time to the Third Level Crisis Intervention Center Legal Aid Clinic and has become a member of the Board of Directors and a volunteer mediator with the Conflict Resolution Service. He has taught a class on resolutions through peace at Immaculate Conception Church and he advocates and promotes the resolution of conflicts through peaceful means in other areas in the community. Judge McCormick is also very involved in studying and writing about the peace efforts in the Middle East. He recently attended a Middle East Peaceful Resolution Conference dealing with issues between Israel and Palestine and continues to actively work on these issues.

RETIREMENT

Jack C. Crandall retired after 14 years of exemplary service to the 13th Circuit Court as Region IV Court Administrator, trial court advocate and friend. We are proud to have had the opportunity to work with Jack to advance the administration of justice throughout northern Michigan.

Acknowledgment

The Court would like to acknowledge and thank Mark and Pam Bonter of Copy Central for their professional assistance and excellent job printing this year's annual report.